

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.1161 OF 2007

Rahimtullah Kadar Sayyed & Ors. .. Petitioners.

V/s.

State of Maharashtra & Others .. Respondents.

Mr.S.M. Kamble for the petitioner.

Mr.Milind More for respondent No.1.

Mr.A.R. Joshi for respondent No.5.

CORAM : J.P. DEVADHAR, &
J.H. BHATIA, JJ.
(VACATION COURT)

DATED : 30TH MAY, 2007.

P.C. :

1. Heard the learned counsel for the parties. According to the petitioners they have already suggested alternate sites to respondent No.3 and respondent No.3 is considering the matter.

2. The learned counsel for respondent No.3 submits that the authority cannot be bound by the action exercised by the petitioners and they have to take decision in the larger interest of the public in view of the policy framed by respondent No.3. Having heard the learned counsel for the parties on this aspect of the matter, we direct respondent No.3 to consider the suggestions made by the petitioners. However, they will not be bound to make allotment of such place as

suggested by the petitioners, but the allotment they would make is expected to be reasonable and fair in its different facets. Furthermore, if the allotment to be made by respondent No.3 is not accepted by the petitioners, eviction order as regards the possession of the petitioners premises shall not be given effect to for a period of 15 days from the date of communication.

3. Petition is disposed off accordingly, leaving the parties to bear their own costs.

(J.P. DEVADHAR, J.)

(J.H. BHATIA, J.)